

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Tenth
Legislature

OF THE

STATE OF MAINE

SECOND REGULAR SESSION
January 6, 1982 to April 13, 1982

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FOURTH SPECIAL SESSION
April 28, 1982 and April 29, 1982

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FIFTH SPECIAL SESSION
May 13, 1982

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July 16, 1982

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HOUSE

Tuesday, March 2, 1982

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Reverend Dr. Peter Misner of the Winthrop United Methodist Church

The journal of yesterday was read and approved.

Special Sentiment Calendar

In accordance with House Rule 56, the following items (Expressions of Legislative Sentiment) Recognizing:

Mr. and Mrs. Lawrence C. McCray, of Rumford, on the 50th anniversary of their wedding, which will be celebrated on March 14, 1982; (H. P. 2122) by Representative Erwin of Rumford.

John Hemond, of Minot, who is retiring March 6, 1982 after 30 years of faithful service to the people of Minot as an employee, and for many years as the Commissioner, of the Town Roads Department; (H. P. 2123) by Representative Callahan of Mechanic Falls. (Cosponsor: Representative Lewis of Auburn)

Dorothy Crowley Noel, of Auburn, on her recent Election as President to the Central Maine General Hospital Central Maine Medical Center Nurses Alumni Association for 1982 (S. P. 896)

There being no objections these items are considered passed in concurrence or sent up for concurrence.

Consent Calendar**Second Day**

In accordance with House Rule 49, the following item appeared on the Consent Calendar for the Second Day:

(H. P. 2006) (L. D. 1977) Bill "An Act to Reduce Burdensome Fees for Businesses Incorporating or Expanding with No Par Value Stock"

No objections having been noted at the end of the Second Legislative Day, the House Paper was passed to be engrossed and sent up for concurrence.

Second Reader**Tabled and Assigned**

Bill "An Act to Establish Voluntary Certification for Building Energy Auditors" (H. P. 1916) (L. D. 1893)

Was reported by the Committee on Bills in the Second Reading and read the second time.

On motion of Mr. Hall of Sangerville, tabled pending passage to be engrossed and tomorrow assigned.

**Passed to be Engrossed
Amended Bills**

Bill "An Act to Establish the Position of Director of Engineering Within the Public Utilities Commission" (H. P. 1789) (L. D. 1779) (C. "A" H-615)

Bill "An Act to Prohibit Public Drinking on School Premises Without Requiring Prior Warning by a Law Enforcement Officer" (H. P. 1929) (L. D. 1912) (C. "A" H-616)

Were reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed as amended and sent up for concurrence.

Bill "An Act to Adjust Fees for Licenses Issued by the Real Estate Commission" (H. P. 1809) (L. D. 1794) (C. "A" H-612)

Was reported by the Committee on Bills in the Second Reading and read the second time.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Tuttle.

Mr. TUTTLE: Mr. Speaker and Members of the House: I, as I guess other speakers have said before me, let this one slip by me.

I have received more mail and communication on this particular piece of legislation than any other bill that I have received this year.

If you will look at the bill, even in the Statement of Fact it says that the Real Estate Commission has overspent its revenue in each of the last three years. This was mentioned last night, and I think it was appropriate that we had a roll call on it yesterday which, in my opinion, is a clear violation of statute.

I would recommend to the commission, that the salesmen and brokers pay into the fund the same date every year, such as the state of New Hampshire does, therefore creating revenue year round which, in my opinion, makes more financial sense.

I feel that increasing the fees at this time is totally inappropriate, as other speakers mentioned last night, and not in the best interest of the people of the State of Maine.

Therefore, at this time I would move for the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The gentleman from Sanford, Mr. Tuttle, moves the indefinite postponement of this Bill and all accompanying papers. The Chair will order a vote. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

42 having voted in the affirmative and 67 having voted in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

The following paper appearing on Supplement No. 2 were taken up out of order by unanimous consent:

Consent Calendar**First Day**

(S. P. 828) (L. D. 1936) Bill "An Act to Provide for Special Warehouse Storage Facilities for Liquor"—Committee on Legal Affairs reporting "Ought to Pass"

No objections having been noted, under suspension of the rules, the above item will appear on the Consent Calendar, Second Day, later in today's session.

The following papers appearing on Supplement No. 3 were taken up out of order by unanimous consent:

Finally Passed**Emergency Measure**

RESOLVE, Authorizing the City of South Portland to Bring a Civil Action Against the State (H. P. 1782) (L. D. 1772) (C. "A" H-600)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker, a point of parliamentary inquiry. Does this bill have a fiscal note attached?

The SPEAKER: The Chair would answer in the affirmative.

Mr. COX: Mr. Speaker, at this time, I move that this Bill and all its accompanying papers be indefinitely postponed and would speak to my motion.

The SPEAKER: The gentleman from Brewer, Mr. Cox, moves that this Resolve and all its accompanying papers be indefinitely postponed.

The gentleman may proceed.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I simply cannot allow this Resolve to be enacted without placing my objections.

Last year, we had a man crippled for life through absolutely no fault of his own and clear negligence of the state who was not allowed to sue. We had another man killed through the negligence of the state and no negligence of his own, and his widow was not allowed to sue the state. Now we have a bill in from a rich city, where there was negligence on the part of the city, and they are being allowed to sue. It is what I call a gross miscarriage of justice to allow this bill to be enacted.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Macomber.

Mr. MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I would just remind you that this is the bill you had before you a week ago today. I gave you my number one speech and I am not going to repeat it. A hundred and twenty of you voted with me the other day; I hope you will continue that position.

The cases that Mr. Cox of Brewer cites are cases that I have no knowledge of; I really don't think they are relevant. We are talking strictly to the bill. You have heard both sides of it and I hope you will support me and I will ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: The person that the good gentleman from Brewer, Mr. Cox, talked about is one of my constituents, and I well remember that this House supported that bill a hundred percent. It is not because of this House that this bill was not enacted. It was because of one person in the other body. Therefore, I do believe we have a heart in this House, and I support the good gentleman from South Portland, Mr. Macomber.

The SPEAKER: The Chair recognizes the gentlewoman from South Portland, Mrs. Huber.

Mrs. HUBER: Mr. Speaker, I would like to pose a question to the chairman of the committee that heard this bill. It is my understanding that the State Auditor notified the City of South Portland that he had not examined the record from which the money was embezzled. Is that correct? Secondly, it is my understanding that a private audit done the following year did not turn up this embezzlement. Is that correct? And finally, it is my understanding that the federal government, when they reconciled the account, I think even a year after that, was where the error was finally discovered. If I am incorrect in any of these assumptions, I would appreciate being told that.

It is the easiest thing in the world in a political year and for a political candidate to try to please everybody; I am not going to try to do that.

The SPEAKER: The gentlewoman from Falmouth, Mrs. Huber, has posed a series of questions through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I believe, if I have understood the questions of Representative Huber, that I would answer in the affirmative.

While I am on my feet, I would like to respond to Representative McHenry's point, that this House did, indeed, vote in the affirmative last year on the suits for these other gentlemen, but the difference is that those were people who were completely innocent in what happened to them. The state was clearly negligent in those cases and the man who was killed and the man who was crippled were completely innocent. Whereas, in this case we have clear negligence on the part of the City of South Portland in that their officials, expecting a check for nearly \$300,000, never inquired where the desk was, had their auditor bonded for only \$40,000, changed auditors the year after the state auditing, so they destroyed the continuity of the audit, and the next year, 1976, when the state did not audit the books, was the year that normally you would have been looking for this check to come.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: I hate to rise again this morning on this piece of legislation. I reported this bill out of committee "ought to pass" and I support my signature that day and again today.

I was selectman of a small town for 20 years. We seldom had the same auditor. We like to change often. We thought there was some hope in the next auditor—we didn't want continuity, in other words.

Let me say that an auditor, the ones that I saw operate, they audit that year's work. They don't go back and do what was supposedly done the year before. They don't go back and inspect the previous auditor's work. They audit what they were hired to do, that year's work only.

I do think there was negligence on the part of the state, and I do think that these people are entitled to their day in court. They're not asking the State of Maine or this Legislature to grant them X-number of dollars. They are merely asking this legislature to give them their day in court, and the Constitution of Maine spells that out to me quite plainly—justice for all. How can we have justice if we are barred from the court?

I hope in your good judgment the other day you believed in fairness and honesty and you voted, a large number of you, for this bill, and I hope you will today because it's a simple case of justice.

THE SPEAKER: The Chair recognizes the gentlewoman from South Portland, Ms. Thompson.

MS. THOMPSON: Mr. Speaker, Ladies and Gentlemen of the House: One of the major issues that was discussed last week during the debate is something that should be reiterated today. The case that was brought up by Representative Cox, discussing individuals who were not allowed to sue the state, I assume he is talking about negligence by the state in a governmental function, for instance, police enforcement, education, plowing roads, etc., the state, in that case, before the courts, I understand, is granted sovereign immunity. South Portland, however, was engaged in a transaction acquiring a business proposition from the state. The state was offering as a proprietor a business contract to South Portland. South Portland claims negligence on the part of the business, the state. Therefore, South Portland, as the consumer, expects to have the right to take its case to court, just as any other consumer would be granted that right.

I hope you will vote against the motion.

THE SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

THE SPEAKER: The pending question before the House is on the motion of the gentleman from Brewer, Mr. Cox, that this Resolve be indefinitely postponed.

The Chair recognizes the gentleman from Saco, Mr. Hobbins.

MR. HOBBS: Mr. Speaker, I ask leave of the House to pair my vote with the gentleman from South Portland, Mr. Kane. If he were here, he would be voting no and I would be voting yes.

THE SPEAKER: The gentleman from Saco, Mr. Hobbins, pairs his vote with the gentleman from South Portland, Mr. Kane. If Mr. Kane were here, he would be voting no and Mr. Hobbins would be voting yes.

The pending question is on the motion of the gentleman from Brewer, Mr. Cox, that this Resolve and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Austin, Bell, Berube, Boisvert, Brown, D.; Brown, K.L.; Chonko, Conners, Cox, Damren, Drinkwater, Gwadodsky, Huber, Jalbert, Jordan, Kany, Lancaster, LaPlante, Livesay, Lund, Mahany, Martin, A.; Masterman, McPherson, Murphy, Nelson, A.;

Paradis, P.; Perkins, Perry, Pouliot, Reeves, J.; Ridley, Smith, C.W.; Stevenson, Swazey, Tarbell, Treadwell, Weymouth.

NAY—Armstrong, Baker, Beaulieu, Benoit, Bordeaux, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Cahill, Callahan, Carrier, Carroll, Carter, Clark, Conary, Connolly, Crowley, Cunningham, Curtis, Davies, Davis, Day, Dexter, Diamond, G.W.; Diamond, J.N.; Dillenback, Dudley, Erwin, Fitzgerald, Foster, Gavett, Gillis, Gowen, Hall, Hanson, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Joyce, Ketover, Kilcoyne, Lewis, Lisnik, Locke, MacBride, MacEachern, Macomber, Manning, Matthews, McCollister, McGowan, McHenry, Pines, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, O'Rourke, Paradis, E.; Paul, Pearson, Peterson, Post, Willey, Racine, Randall, Reeves, P.; Richard, Rolde, Salsbury, Sherburne, Smith, C.B.; Soulas, Soule, Stover, Strout, Studley, Telow, Theriault, Thompson, Tuttle, Twitchell, Vose, Walker, Webster, Wentworth.

ABSENT—Fowlie, Jacques, Kelleher, Kiesman, Laverriere, Martin, H.C.; Masterton, Roberts, Small, The Speaker.

PAIRED—Hobbins-Kane.

Yes, 39; No, 100; Absent, 10; Paired, 2.

THE SPEAKER: Thirty-nine having voted in the affirmative and one hundred in the negative, with ten being absent and two paired, the motion does not prevail.

The pending question now before the House is final passage. This being an emergency measure and two-thirds of all the members elected to the House being necessary, a total was taken. 102 voted in favor of same and 40 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to be Enacted

An Act to Transfer Certain Responsibilities for Insect Nuisance Identification from the Department of Conservation to the Department of Agriculture, Food and Rural Resources (S. P. 741) (L. D. 1726) (H. "A" H-610)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Adjust the Fees for Licenses of the Electricians' Examining Board (H. P. 1728) (L. D. 1713) (C. "A" H-607)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. Mr. Webster of Farmington requested a roll call.

THE SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

THE SPEAKER: The pending question is on passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Baker, Beaulieu, Benoit, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Brown, K.L.; Carter, Clark, Connolly, Crowley, Davies, Day, Diamond, G.W.; Diamond, J.N.; Dillenback, Erwin, Fitzgerald, Gavett, Gillis, Gowen, Gwadodsky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Jackson, P.T.; Jalbert, Joyce, Kany, Ketover, Kiesman, Kilcoyne, Lancaster, Locke, Lund, MacEachern, Macomber, Mahany, Manning, Masterton, Matthews, McCollister, McGowan, Pines, McPherson, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis,

P.; Pearson, Perkins, Perry, Post, Pouliot, Willey, Racine, Reeves, P.; Richard, Rolde, Salsbury, Smith, C.B.; Soulas, Soule, Swazey, Telow, Theriault, Thompson, Vose, Wentworth.

NAY—Armstrong, Austin, Bell, Berube, Bordeaux, Brown, A.; Brown, D.; Cahill, Callahan, Carrier, Carroll, Chonko, Conary, Conners, Cox, Cunningham, Curtis, Damren, Davis, Dexter, Drinkwater, Dudley, Foster, Hanson, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, P.C.; Jordan, LaPlante, Lewis, Lisnik, Livesay, MacBride, Martin, A.; Masterman, McHenry, Murphy, Nelson, A.; O'Rourke, Paradis, E.; Paul, Peterson, Randall, Reeves, J.; Ridley, Sherburne, Smith, C.W.; Stevenson, Stover, Strout, Studley, Tarbell, Treadwell, Tuttle, Twitchell, Walker, Webster, Wentworth.

ABSENT—Fowlie, Jacques, Kane, Kelleher, Laverriere, Martin, H.C.; Roberts, Small, The Speaker.

Yes, 80; No, 62; Absent, 9.

THE SPEAKER: Eighty having voted in the affirmative and sixty-two in the negative, with nine being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

An Act to Require Removal of Motor Vehicles from Great Ponds, Rivers and Streams (H. P. 1776) (L. D. 1766) (C. "A" H-608)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

The following paper appearing on Supplement No. 1 was taken up out of order by unanimous consent:

Divided Report

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on Bill "An Act to Clarify the Percent for the Art Law" (S. P. 756) (L. D. 1791)

Report was signed by the following members:

Senators:

AULT of Kennebec
GILL of Cumberland
VIOLETTE of Aroostook

—of the Senate.

Representatives:

MASTERTON of Cape Elizabeth
SMALL of Bath
DIAMOND of Bangor
GWADOSKY of Fairfield
BELL of Paris

—of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-391) on same Bill.

Report was signed by the following members:

Representatives:

PARADIS of Augusta
KANY of Waterville
BOYCE of Auburn
MCGOWAN of Pittsfield
DILLENBACK of Cumberland

—of the House.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on State Government read and accepted.

In the House: Reports were read.

THE SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

MRS. KANY: Mr. Speaker and Members of the House: I move the Majority "Ought Not to Pass" Report just to save the House some debate. The other body has already voted "Ought Not to Pass" on this measure, so it seems unnecessary to go into a great deal of debate. But the sponsors, understandably, would like to speak to this measure, and I would certainly hope that the gentlelady from Vassalboro would.

THE SPEAKER: The Chair would advise the

gentlewoman from Waterville, Mrs. Kany, to please not refer to what the other body has done in the action on the floor of this House since it has no bearing upon what this body might do.

The SPEAKER: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: I will speak today not as Majority Floor Leader but as the House co-sponsor of this piece of legislation.

This bill has to do with percent for art, and most of you probably have forgotten that we ever passed that piece of legislation. Basically, it required that with public buildings, or with schools, any new construction could use, on the school level, art if they chose to do so on the local level. The problem came on the local level with who had the final say as to what would be the work of art within that school building. In the town of Poland, there was a particular problem, even though ultimately Poland prevailed. They got exactly what they wanted, which is my point of view too.

There is a Commission on Arts and Humanities which sets up the rules and regulations. If a school wishes to use art in a part of their new construction, they go before the Arts and Humanities Commission following a set of rules and procedures. The idea behind that was that there is also state money involved in these public schools and that the state had a vested interest into the type and quality of work that became a part of those schools.

Senator Wood became very much aware of the problem in the town of Poland because when the people in the town of Poland found that they had met for 25 meetings, that they had gone through all the process, that the Arts and Humanities Commission sitting in Augusta could ultimately say, "Your taste in art is not up to ours." I found that a problem, because in a time of great economic stress, the first thing that we cut from our budgets, the first thing that we cut anywhere is art because often, unfortunately, it is considered a frill. I think it is very important. I think it is essential and the purpose of this bill was to make it as easy as possible and to make it not intimidating to try to put a work of art in your schools.

So this bill would have said that even though you followed the rules and the regulations of the Arts and Humanities Commission, the final choice was the local school committee, but this is a new piece of legislation. Poland was the very first school to try out under this bill. They ultimately got exactly what they wanted.

There is a concern that if we begin to tamper with the bill now, the whole thing will unravel and that everyone will be unhappy with the end results and the whole bill itself will be repealed.

In a spirit of compromise on the floor of the House, I believe that the Arts and Humanities Commission got the message that they were being a little high-handed, they were being autocratic and they were not paying enough attention to local desires. As a matter of fact, I talked to a reporter once who spoke to me off the record and he thought that some of the problems might be semantic. For example, I think the Arts and Humanities Commission used the words "visual illiterates" and, believe me, that is very insulting when what they meant was, they simply weren't trained in art and design. None of us like to be told that we are not capable of choosing art. So, I think the battle has raised some important questions for the Commission and I think they hear our message.

I will go along with the "Ought Not to Pass" Report this morning, but I want the message to go loud and clear that if the Commission has not paid attention to our desire to listen to what local people want to put in their schools, this bill will be LJD, 1 in the next legislature.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Dillenback.

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I think it is very nice for people to get together and agree on things and that apparently is what has happened here today, but when I was on the committee, I resented the attitude that was presented to us on this bill. I resent school teachers calling me from different communities telling me that I don't know what I am doing.

I am not an artist but I do collect art objects. My tastes may not be exactly the same as yours, and I think art is in the eye of the beholder. But when a commission can tell a small community or any town that they cannot make the final selection of what they are going to put in their school, something is wrong with society.

I am all in accord and in agreement that we should have the Arts Commission, the Art Commission should set up guidelines, they should set up rules, regulations, they can even give us a list of 300 artists, if they so desire. I think they should guide those of us who are not experts or professors of art, I think they should do many things to help, but when you get right down to the little local community, I think the people who are paying the local taxes are the people who should make the decision on what art should go into their school, whether it pleases the commission or not. Therefore, that is why I took the position that I took and I hope you people will vote not to accept this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: Just one point of clarification. The commission, just so you will all know, does not choose, they have the right to veto, so that is their role in the process.

Thereupon, on motion of Mrs. Kany of Waterville, the Majority "Ought Not to Pass" Report was accepted in concurrence.

(Off Record Remarks)

By unanimous consent, unless previous notice was given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes after the House recessed, all matters that required Senate concurrence.

On motion of Mr. Hickey of Augusta,
Recessed until four o'clock in the afternoon.

After Recess 4:00 p.m.

The House was called to order by the Speaker.

Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

HOUSE DIVIDED REPORT—Majority (10) "Ought to Pass" as Amended by Committee Amendment "A" (H-606) Minority (3) "Ought Not to Pass" — Committee on State Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Prevent Combining more than One Bond Issue Item on a Single Bond Issue Bill (H. P. 1793) (L. D. 1783)

Tabled—February 25 by Representative Pearson of Old Town.

Pending—Acceptance of either Report.

On motion of Mr. Pearson of Old Town, retabled pending acceptance of either Report and tomorrow assigned.

The Chair laid before the House the second item of Unfinished Business:

Bill, "An Act to Allocate Funds from the Low-level Waste Siting Fund" (Emergency) (H. P. 1751) (L. D. 1741)

—In House, Passed to be Engrossed on February 9, 1982.

—In Senate, Passed to be Engrossed as Amended by Senate Amendment "A" (S-383) in non-concurrence.

Tabled—February 25 by Representative Mitchell of Vassalboro.

Pending—Further Consideration.

On motion of Mrs. Kany of Waterville, the House recessed from its action whereby the Bill was passed to be engrossed.

Senate Amendment "A" (S-383) was read by the Clerk.

On motion of Mrs. Kany of Waterville, Senate Amendment "A" was indefinitely postponed in non-concurrence.

The same gentlewoman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-617) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: A brief explanation of the new amendment which is being offered. One member of the low-level radioactive waste siting commission wanted more specificity on allocation of funds, the taxation of which was approved by the legislature last year, authorized last year, to have a tax of one dollar per cubic foot on the generation within the State of Maine of low level radioactive waste which needs a commercial repository. That is precisely what this amendment does. It specifically allocates funds for certain purposes, including, for instance, monies for the state geologist to perform the duties under our statutes of looking for sites for low-level radioactive waste.

Thereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

The Chair laid before the House the third item of Unfinished Business:

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1982 (Emergency) (H. P. 2000) (L. D. 1958) (S. "A" S-387)

Tabled—February 25 by Representative LaPlante of Sabattus.

Pending—Final Passage.

On motion of Mrs. Mitchell of Vassalboro, tabled unassigned pending final passage.

The Chair laid before the House the fourth item of Unfinished Business:

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1982 (Emergency) (H. P. 2001) (L. D. 1959)

Tabled—February 25 by Representative LaPlante of Sabattus.

Pending—Final Passage.

On motion of Mrs. Mitchell of Vassalboro, tabled unassigned pending final passage.

The Chair laid before the House the first tabled and today assigned matter:

HOUSE REPORT—"Ought to Pass" as Amended by Committee Amendment "A" (H-614)—Committee on Public Utilities on Bill, "An Act to Clarify the Regulation of Sewer Districts" (H. P. 1791) (L. D. 1781)

Tabled—February 26 by Representative Davies of Orono.

Pending—Acceptance of Committee Report.

On motion of Mr. Davies of Orono, retabled pending acceptance of the Committee Report and specially assigned for Thursday, March 4.

The following papers appearing on Supplement No. 4 were taken up out of order by unanimous consent:

Ought to Pass as Amended

Report of the Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-

390) on Bill "An Act Relating to Guide Dogs for Handicapped Persons" (S. P. 765) (L. D. 1823) (Representative McCollister of Canton - Abstained)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-390) as amended by Senate Amendment "A" (S-393) thereto.

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-390) was read by the Clerk. Senate Amendment "A" to Committee Amendment "A" (S-393) was read by the Clerk and adopted in concurrence. Committee Amendment "A" as amended by Senate Amendment "A" thereto adopted in concurrence. The Bill was assigned for second reading tomorrow.

Non-Concurrent Matter

Bill "An Act to Exempt Portions of the Central Maine Air Quality Control Region from Petroleum Liquids Transfer Vapor Recovery Requirements" (H. P. 1836) (L. D. 1833) which was passed to be engrossed as amended by Committee Amendment "A" (H-605) in the House on February 26, 1982.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-605) as amended by Senate Amendment "A" (S-392) thereto in non-concurrence.

In the House: The House voted to recede and concur.

Study Report — Committee on Health and Institutional Services

Report of the Committee on Health and Institutional Services to which was referred by the Legislative Council the Study Relative to the Maine Certificate of Need Process have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act to Amend the Maine Certificate of Need Law" (S. P. 900) (L. D. 2038) be referred to this Committee for Public hearing and printed pursuant to Joint Rule 18.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Health and Institutional Services.

In the House, the Report was read and accepted in concurrence and the Bill was referred to the Committee on Health and Institutional Services in concurrence.

Consent Calendar

Second Day

(S. P. 828) (L. D. 1936) Bill "An Act to Provide for Special Warehouse Storage Facilities for Liquor"

No objections having been noted, the above item was passed to be engrossed in concurrence.

The following paper appearing on Supplement No. 6 was taken up out of order by unanimous consent:

The following Communication: (S. P. 901)

State of Maine
Senate Chamber
President's Office
Augusta, Maine 04333

March 1, 1982

Honorable Dana C. Devoe
Honorable Barry J. Hobbins
Joint Standing Committee on Judiciary
State House
Augusta, Maine 04333
Gentlemen:

Please be advised that Governor Joseph E. Brennan is nominating Louis Scholnik of Lewiston for reappointment as a Superior Court Justice.

Pursuant to Title 4 MRSA Section 152, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
JOSEPH SEWALL
President of the Senate
JOHN L. MARTIN
Speaker of the House

Came from the Senate read and referred to the Committee on Judiciary.

In the House, the Communication was read and referred to the Committee on Judiciary in concurrence.

The following papers appearing on Supplement No. 7 were taken up out of order by unanimous consent:

Petitions, Bills and Resolves Requiring Reference

Bill "An Act Amending the Electricians' Licensing Law" (H. P. 2127) (Presented by Representative Diamond of Windham) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

Was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

Bill "An Act Permitting the Establishment of Student Loan Corporations" (H. P. 2128) (Presented by Representative Rolde of York) (Cosponsors: Representative Gowen of Standish and Senators Bustin of Kennebec and Collins of Knox) (Governor's Bill)

Was referred to the Committee on Education, ordered printed and sent up for concurrence.

Bill "An Act to Create an Excise Tax on Mining Companies" (H. P. 2129) (Presented by Representative Kane of South Portland) (Cosponsors: Senators Carpenter of Aroostook and Violette of Aroostook and Representative Masterman of Milo) (Governor's Bill)

Was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

On motion of Representative Davies of Orono, the following Joint Resolution: (H. P. 2131)

In Memory of Horace S. Libby, Esquire, of Augusta, widely respected General Counsel to the Public Utilities Commission;

The Joint Resolution was read.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker, Members of the House: The loss of a human life is a very sad moment, especially when it is a citizen of the State of Maine, because certainly the citizens of our state are the finest in the country.

Today, we have lost a citizen of the State of Maine whose loss is even greater than that of a citizen. We have lost Horace Libby, the General Counsel to the Public Utilities Commission. He died of a heart attack this afternoon. The loss is tremendous, not only to the Public Utilities Commission in carrying out the mandate that that Commission has, but because his role as the General Counsel of the Public Utilities Commission placed him in a position where the decisions that he made and the actions that he instigated in that job affected the lives of every one of our constituents, young and old, rich or poor, anyone who utilized the utility services.

At the time of his death, he was deeply involved in the Central Maine Power rate case that is currently pending before the Public Utilities Commission. His loss is virtually irrevocable because he has had in his knowledge the ins and outs of that case for the recommendations that he was planning on making to the Public Utility Commissioners as to how they ought to resolve the matter.

Fortunately, there was another individual who was also serving as a hearing examiner at that time, so all is not lost, but the people of the State of Maine have suffered a tremendous loss. I only hope the Commission and the other staff members are able, in some small way, to fill Horace's shoes. They certainly were big

shoes and the strides that he has taken in them are the kinds that have moved us forward in the regulation that we have of public utilities, and without him, we are going to be sadly lacking.

I move that when the House adjourns today, that we adjourn in memory of Horace Libby, Esquire, of Augusta.

The Resolution was adopted and sent up for concurrence.

On motion of Mr. Davies of Orono.

Adjourned until nine-thirty tomorrow morning in memory of Horace S. Libby Esquire, of Augusta.